



# Agenda

--- REGULAR COUNCIL MEETING

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: MAY 24, 1984

Day: THURSDAY

Time: 7:30 P.M.

Place: COUNCIL CHAMBER

Approx.  
Time

Presented By

7:30

CALL TO ORDER  
ROLL CALL

1. Introductions.
2. Councilor Communications.
3. Executive Officer Communications.
4. Written Communications to Council on Non-Agenda Items.
5. Citizen Communications to Council on Non-Agenda Items.

7:45

6. CONSENT AGENDA

- 6.1 Minutes of the meetings of April 16 (Special), April 26 (Special and Regular), and May 3 (Regular).
- 6.2 Resolution No. 84-468, for the purpose of authorizing Federal Funds for two 16(b)(2) Special Transportation Projects and amending the Transportation Improvement Program (TIP). Williamson/  
Brandman
- 6.3 Resolution No. 84-470, for the purpose of amending the FY 1984 Transportation Improvement Program to include a new Section 9(A) Tri-Met Project. Williamson/  
Brandman

7:50

7. RESOLUTION

- 7.1 Consideration of Resolution No. 84-472, for the purpose of confirming the appointment of General Counsel and ratifying variances to Metro's Personnel Rules. Gustafson

8:10

8. COMMITTEE REPORTS

8:15

ADJOURN



# Agenda

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: MAY 24, 1984

Day: THURSDAY

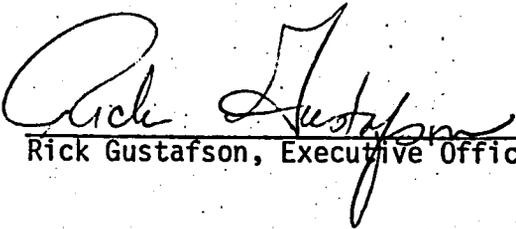
Time: 7:30 P.M.

Place: COUNCIL CHAMBER

## C O N S E N T    A G E N D A

The following business items have been reviewed by the staff and an officer of the Council. In my opinion, these items meet with the Consent List Criteria established by the Rules and Procedures of the Council. The Council is requested to approve the recommendations presented on these items.

- 6.1 Minutes of the meetings of April 16 (Special), April 26 (Special), April 26 (Regular), and May 3 (Regular).
- 6.2 Resolution No. 84-468, for the purpose of authorizing Federal Funds for two 16(b)(2) Special Transportation Projects and amending the Transportation Improvement Program (TIP).
- 6.3 Resolution No. 84-470, for the purpose of amending the FY 1984 Transportation Improvement Program to include a new Section 9(A) Tri-Met Project.

  
Rick Gustafson, Executive Officer

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

SPECIAL MEETING  
April 16, 1984

Councilors Present: Councilors Banzer, Bonner, Deines,  
Hansen, Kafoury, Kelley, Kirkpatrick,  
Van Bergen, and Williamson.

Councilors Absent: Councilors Etlinger, Oleson, and Waker.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Donald Carlson, Jennifer Sims, Ray  
Barker, Dennis Mulvihill, Kay Rich, Andy  
Cotugno, Dan Durig, Doug Drennen, Rod  
Sandoz, Sonnie Russill, Dan LaGrande, and  
Ed Stuhr.

Testifiers: Jerome DeGraaff.

A special meeting of the Council of the Metropolitan Service District was called to order at 7:35 p.m. by Presiding Officer Kirkpatrick for the purpose of considering the proposed budget for FY 1984-85.

Presiding Officer Kirkpatrick officially convened the meeting as a meeting of the Council as the Budget Committee. She stated that the proposed budget would be presented by the Executive Officer, followed by a report from the Chair of the Budget Review Committee, then public testimony, and conclude with Council questions and requests for additional information.

Mr. Gustafson, Executive Officer, presented an overview of the proposed budget and highlighted the elements of each fund and any proposed changes from the prior year's budget. He said supporting materials had been distributed to the Council--an organizational structure chart and budget summaries, indicating the proposed budget and changes proposed by the Budget Review Committee (attached to the agenda of the meeting).

Councilor Kafoury, Chair of the Budget Review Committee, presented the Committee's recommendations on the Executive Officer's FY 1984-85 Proposed Budget, as contained in a memorandum distributed to the Council (attached to the agenda of the meeting). She also indicated that she had received a letter from the City of Beaverton supporting the proposed FY 1985 work program for the newly formed Intergovernmental Resource Center (attached to the agenda of the meeting).

Presiding Officer Kirkpatrick then called for public testimony.

Mr. Jerome DeGraaff, 17505 S.W. Sauvie Island Road, requested information regarding the Budget Review Committee's budget note on mediation in the Wildwood case. Mr. Dan Durig, Director of the Solid Waste Department, explained that the Budget Review Committee was recommending that the Council request that the staff investigate mediation between the parties in the Wildwood Landfill case along with the other strategies being pursued to site a regional landfill.

There was no other public testimony.

Presiding Officer Kirkpatrick then asked Council members if they had any issues, comments, or questions which they wanted to raise in preparation for the work session to be held on April 26.

Councilor Williamson asked if the Executive Officer had any exceptions to the recommendations of the Budget Review Committee. Mr. Gustafson responded that he did not totally agree with the recommendations, but understood them and could support them.

Councilor Van Bergen raised a concern about the Intergovernmental Resource Center (IRC). He said while he agreed with most of the concepts regarding the IRC, he requested that the Council be kept informed of the proposals regarding the Center. He said he was concerned about creating a "Metro II" whereby some new organization is created with voting power. He said he could support an advisory group to the Council.

Councilor Deines commented that the Council was being moved in a direction without having a say in it. He requested that information be provided regarding the rationale for organizing the IRC.

Councilor Williamson stated that although the IRC may not have been formally adopted by the Council, he believed the staff was following through with the suggestions and direction of the Council.

Mr. Gustafson briefly explained that the purpose of the IRC was to emphasize and organize local government services provided by Metro.

Councilor Bonner then asked what the assumptions were with respect to Solid Waste rates and Zoo admission fees and

revenues. Mr. Durig responded that the proposed budget anticipated no rate increase. Mr. Rich, Assistant Zoo Director, stated the proposed budget assumed a 50¢ increase January 1, 1985 for zoo admission.

Councilor Bonner then inquired about Metro's role in Criminal Justice. Mr. Gustafson responded that Metro could become involved in two areas of criminal justice--the provision of a regional jail and/or the provision of data for justice services. He said they would be pursuing those areas in the next few months.

Councilor Bonner commented that he wanted the Council to consider setting regional recycling goals. He said he would like information provided to the Council on such a program because there may be budget implications.

Councilor Hansen said he had asked for material to be developed as far as the exact cost of the Criminal Justice position, excluding the overhead costs. He said he was interested in making the position a full-time position instead of the half-time position proposed by the Budget Review Committee. He said a possible resource might be the proposed budget for Election Costs of \$20,000. He said since there was the possibility that there may be no election cost to Metro in November, and the Council would know that after May 15, the funds could become available for reallocation. Ms. Sims noted that the budget summaries distributed to the Council as well as the cost allocation plan included the information regarding the overhead costs provided the information Councilor Hansen had requested.

Councilor Kelley stated that she was concerned about contracting out for lobbying. She said she did not believe spending public funds for lobbying was the best place to expend those dollars. Councilors Williamson, Bonner, and Hansen argued in support of a lobbying effort. Councilor Kelley countered that she believed existing staff could perform the function. Presiding Officer Kirkpatrick said the issue would be discussed further at the April 26 work session.

Councilor Deines stated that he would like to have the DEQ inspection fees removed from the budget. He said if they didn't stand up against unfair fees, they would continue to be taken advantage of.

Councilor Deines also requested information regarding the fringe benefit percentage. He said the percentage seemed high and wanted to know what was included in the fringe package.

Special Council Meeting Minutes  
April 16, 1984  
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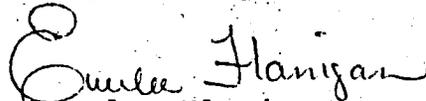
Presiding Officer Kirkpatrick requested comparisons with the current year's fringe benefit percentge. Ms. Sims stated that the fringe benefit percentage was 30% and was comprised of Social Security, Workers' Compensation, unemployment, health and retirement.

Presiding Officer Kirkpatrick noted that the Budget Review Committee's budget notes would be reviewed and discussed at the work session on April 26.

Councilor Deines stated he would also like to discuss the Solid Waste Department's proposal for a community relations position.

There being no further business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council

1178C/313

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

SPECIAL MEETING

April 26, 1984

Councilors Present: Councilors Bonner, Deines, Hansen,  
Kelley, Kirkpatrick, Van Bergen,  
Waker, and Williamson.

Councilors Absent: Councilors Banzer, Etlinger, Kafoury,  
and Oleson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Don Carlson, Jennifer Sims, Dennis  
Mulvihill, Andy Cotugno, Steven  
Siegel, Sonnie Russill, Warren Iliff,  
Kay Rich, Dan LaGrande, Dan Durig,  
Doug Drennen, and Norm Wietting.

A special meeting of the Council of the Metropolitan Service District was called to order at 5:40 p.m. by Presiding Officer Kirkpatrick for a work session on the FY 1984-85 budget.

Presiding Officer Kirkpatrick stated that responses to the questions and issues raised by the Council at the April 16 meeting had been distributed (a copy of the responses is attached to the agenda of the meeting).

Councilor motions and comments in response to the material included the following:

Motion: Councilor Hansen moved that a budget note be added that the Criminal Justice Program be identified as the Council's first priority for the expenditure of additionally identified funds. Councilor Kelley seconded the motion.

Councilor Van Bergen stated that he thought the Criminal Justice program should be a priority but was reluctant to support the motion to give it the Council's "first" priority. He suggested that the word "first" be deleted from the motion.

Councilor Hansen accepted the suggestion as a friendly amendment to his motion. Councilor Kelley concurred.

Vote: The vote on the motion that the Criminal Justice program be identified as a Council priority for the expenditure of additionally identified funds resulted in:

Ayes: Councilors Bonner, Deines, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilors Banzer, Etlinger, Kafoury, and Oleson.

Motion carried.

Councilor Bonner stated that while he was interested in pursuing a process which would lead to the adoption of regional recycling goals, that he had been persuaded by the staff and the Executive Officer that during the Solid Waste Systems Planning process such goals might be discussed. He said that if that process did not result in what he had in mind, he would raise the issue again with the Council.

Councilor Deines argued that Metro should take DEQ to court to make equitable the charges assessed by DEQ. He said the Council should delete the fees from the budget. Mr. Gustafson responded that it was his understanding that if the Council consciously decided not to pay the fees, they could be personally liable. He stated that one of the legislative issues Metro would be pursuing during the next session would be to have the legislation changed regarding the fees.

Councilor Waker said he was in agreement with Councilor Deines' statements, but wasn't sure what to do about the problem. Councilor Williamson suggested that the Council appropriate the funds to legally fight it. Mr. Gustafson stated that legal research could be conducted without a budget increase. Councilor Van Bergen stated that Metro should seek a declaratory ruling of the DEQ rule through the Administrative Procedures Act for an exclusion as another political entity. He said they could pursue that course and if it did not work, they could pursue resolution with the legislature.

Presiding Officer Kirkpatrick stated that the sense of the Council seemed to be to pursue the matter legally and that if there were no objections, staff would be directed to return with a report on the issue.

Councilor Deines stated that the proposed work program for the new public involvement position in Solid Waste did not propose using that person to work with people to site additional limited use landfills. Mr. Gustafson responded that traditionally the Council had left limited use landfills to the private sector, and that the engineering staff should be used to help find technically feasible sites rather than the public involvement staff.

Mr. Gustafson urged that Metro contract for a lobbyist. He said the cost to Metro in the long term would be less to contract than to hire in-house personnel. Presiding Officer Kirkpatrick stated that the Budget Review Committee had discussed the issue at length and recommended hiring a staff person to assist the contracted lobbyist. Councilor Kelley stated that she supported an in-house lobbyist and was opposed to contracting. Councilors Bonner, Williamson, Deines, Hansen and Van Bergen stated that they supported the contracting for a lobbyist. Councilor Williamson stated that they could change their minds at a later date if someone was found who could do the job and wanted to work for six to nine months.

Motion: Councilor Williamson moved approval of the proposed budget as recommended by the Budget Review Committee, with the budget note regarding the Criminal Justice Program. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilors Banzer, Deines, Etlinger, Kafoury, and Oleson.

Motion carried.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

*Everlee Flanigan*  
Everlee Flanigan  
Clerk of the Council

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING  
April 26, 1984

Councilors Present: Councilors Banzer, Bonner, Deines,  
Hansen, Kelley, Kirkpatrick, Van  
Bergen, Waker, and Williamson.

Councilors Absent: Councilors Etlinger, Kafoury, and  
Oleson.

Staff Present: Donald Carlson, Dan Durig, Steven  
Siegel, Doug Drennen, Dennis  
Mulvihill, and Phil Fell.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:30 p.m. by Presiding Officer Kirkpatrick.

1. Introductions.

There were no introductions.

2. Councilor Communications.

There were no Councilor communications.

3. Executive Officer Communications.

There were no Executive Officer Communications.

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

There were no citizen communications to Council on non-agenda items.

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meetings of February 2, February 13, February 23, and March 22, 1984.
- 6.2 Intergovernmental Project Review Report.
- 6.3 Resolution No. 84-461, for the purpose of amending the FY 1984 and FY 1983 Unified Work Program.
- 6.4 Resolution No. 84-463, for the purpose of amending the Regional Transportation Plan to designate Union Avenue/Court (N. Schmeer Road to N. Denver Avenue) as a Regional Bicycle Route (replacing N. Vancouver Way).
- 6.5 Recognition and acceptance of directions to pursue regarding several Federal Highway Funding issues: FY 84 Interstate Transfer Highway Funding, Federal Aid Urban Funding, and Highway Planning and Research Funding.
- 6.6 Resolution No. 84-465, for the purpose of authorizing Federal Funds for a 16(b)(2) Special Transportation Project and amending the Transportation Improvement Program (TIP).
- 6.7 Resolution No. 84-460, for the purpose of clarifying procedures to be followed in conducting Comprehensive Plan Reviews.
- 6.8 Resolution No. 84-466, for the purpose of authorizing a new classification of Legal Counsel.
- 6.9 Resolution No. 84-459, for the purpose of appointing Susan McGrath to the Metro Investment Committee for a three-year term.

Motion: Councilor Kelley moved adoption of the Consent Agenda. Councilor Williamson seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines,  
Hansen, Kelley, Kirkpatrick, Van  
Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilors Etlinger, Kafoury, and  
Oleson.

Motion carried, Consent Agenda adopted.

7.1 Consideration of Resolution No. 84-458, for the purpose of  
declaring Metro's Intent to Use a Conventional Approach  
for Implementing the Washington County Transfer Station.

Presiding Officer Kirkpatrick noted that a substitute  
resolution, in response to the Council's request at the  
March 22 meeting, had been prepared and was included in  
the agenda.

Motion: Councilor Hansen moved adoption of substitute  
Resolution No. 84-467, a resolution for the pur-  
pose of declaring Metro's intent to implement a  
transfer station in Washington County through  
the use of separate design, construction, and  
operation contracts. Councilor Bonner seconded  
the motion.

Councilor Deines commented that he believed a private pro-  
cess would be faster and less expensive and that he was  
opposed to the resolution before the Council. He also  
indicated that he did not think the transfer station was  
needed.

There was no public testimony.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Hansen,  
Kelley, Kirkpatrick, Van Bergen,  
Waker, and Williamson.

Nays: Councilor Deines.

Absent: Councilors Etlinger, Kafoury, and  
Oléson.

Motion carried, Resolution adopted.

8.1 Consideration of Ordinance No. 84-171, amending the Metro  
Urban Growth Boundary in Washington County for Contested  
Case No. 81-9. (Corner Terrace) (First Reading)

Presiding Officer Kirkpatrick stated that a letter from Robert Stacey opposing the addition of Corner Terrace to the UGB had been distributed. (A copy of the letter is attached to the agenda of the meeting).

Steven Siegel, Development Services Director, briefly presented the staff report as contained in the agenda of the meeting.

Motion: Councilor Waker moved adoption of Ordinance No. 84-171. Councilor Bonner seconded the motion.

The ordinance was read a first time, by title only.

There was no public testimony.

The ordinance was then passed to second reading on May 3, 1984.

9.1 Review and Report on Status of Yard Debris as Required by  
Resolution No. 84-450.

Dennis Mulvihill, Waste Reduction Manager, stated that based on an evaluation of several program options, it had been concluded that there was no need for additional yard debris programs other than what was being budgeted for in FY 1984-85. He said the conclusion was based on several criteria--policy consistency, Metro's authority and responsibility, whether or not there was a demonstrated need, cost-effectiveness, impact on existing programs, and timing. He said in conducting the evaluation, two overriding things became evident: 1) that all involved--Metro, cities, the state, counties, the hauling industry, processors, and the public--have a need for more information on yard debris; and 2) that a number of events need

to take place before the necessary information will be available. He said the information needed included: 1) a study of the cost of diverting yard debris from the land-fill and the impact on the tipping fee; 2) the cost to local jurisdictions to set up and operate local collection programs for all recyclables. He said once the local jurisdictions had determined that cost, then they might be more responsive to including yard debris if other circumstances warranted it; and 3) the need to know the impact of a burning ban and the definition of a recyclable as it pertained to Senate Bill 405. He said the recommended FY 1984-85 budget reflected the conclusion that now was not the time to initiate new programs but instead to take the time and assess the impact of other events to better know what is the next appropriate thing to do.

Councilor Bonner asked what was going to be done in FY 1984-85. Mr. Mulvihill responded that the work programs included promotion and technical assistance to the local jurisdictions and processors as needed.

Councilor Bonner than asked if the City of Portland came to Metro and requested funds for a program, would Metro have to respond no. Mr. Mulvihill responded that there were no funds appropriated for helping the City of Portland.

Councilor Hansen stated that the report should have been available during the budget process. He said that with the burning ban coming into effect, they had no idea what was going to be needed and there was no contingency for providing any funding for programs, especially in those areas of the region which were located quite a distance from processing facilities.

Councilor Kelley stated that it was her understanding that with the passage of S.B. 405 Metro had no authority to handle recyclables and if yard debris was determined to be a recyclable, Metro would not have any authority in that area as well. Mr. Mulvihill responded that S.B. 405 made it very clear that the local jurisdictions were responsible for setting up collection programs for recyclables and that the Attorney General was in the process of determining whether yard debris was to be considered a recyclable.

Councilor Van Bergen commented that he had viewed one of the processing centers and had concluded they were not

processing anything but only collecting the materials and piling them high. He said he did not see that as a solution. Mr. Mulvihill responded that McFarlane's, the processor Councilor Van Bergen was alluding to, was in the process of changing operators but that the other processor in the Portland area was operating.

Councilor Hansen stated that if a person was twenty-five miles from a processor and couldn't burn their debris, the options started to drop off for them as to what could be done with the material. Mr. Mulvihill responded that there were plenty of alternatives but the question was whether the public was willing to pay the cost of using them.

Presiding Officer Kirkpatrick thanked Mr. Mulvihill for the report.

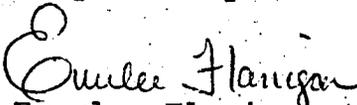
10. Committee Reports.

Councilor Hansen reported that there would be no Services Committee meeting in May.

Councilor Bonner reported that the Council Coordinating Committee would be discussing the Council Committee structure at its May meeting.

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council

1238C/313

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING  
May 3, 1984

Councilors Present: Councilors Banzer, Bonner, Deines,  
Hansen, Kafoury, Kelley, Kirkpatrick,  
Van Bergen, and Williamson.

Councilors Absent: Councilors Etlinger, Oleson, and Waker.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Donald Carlson, Jennifer Sims, Doug  
Drennen, Dan LaGrande, Ray Barker,  
Andy Cotugno, Dennis Mulvihill, and  
Norm Wietting.

A regular meeting of the Council of the Metropolitan Service District was called to order by Presiding Officer Kirkpatrick at 5:40 p.m.

1. Introductions.

Presiding Officer Kirkpatrick introduced Mr. Bill Thornton who was present for the Metro Conference to be held on Friday, May 4.

2. Councilor Communications.

There were no Councilor communications.

3. Executive Officer Communications.

Mr. Gustafson stated that the Third Quarter Program Progress Reports had been distributed to the Council.

He also said that a memorandum would be sent to the Councilors regarding the hiring of a new General Counsel. He said a Council confirmation hearing was anticipated for May 24.

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

There were no citizen communications to Council on non-agenda items.

6.1 Public Hearing on Ordinance No. 84-172, an ordinance for the purpose of adopting the annual budget of the Metropolitan Service District for Fiscal Year 1984-85, making appropriations from funds of the District in accordance with said annual budget, creating a St. Johns Final Improvement Fund, and levying ad valorem taxes. (First Reading).

Motion: Councilor Kafoury moved adoption of Ordinance No. 84-172. Councilor Bonner seconded the motion.

The ordinance was then read the first time, by title only.

Presiding Officer Kirkpatrick then opened the public hearing.

Mr. Joe Cancilla, 18450 S.E. Vogel Road, representing the Portland Association of Sanitary Service Operators, presented a letter and testified that PASSO was concerned about the proposed buy-back center at CTRC and the methane gas recovery project (a copy of the letter is attached to the agenda of the meeting).

Mr. George Findling, 2230 S.E. 152nd Avenue, representing the Portland Recycling Refuse Operators, Inc., presented and read a letter in opposition to a buy-back center at CTRC (a copy of the letter is attached to the agenda of the meeting).

Presiding Officer Kirkpatrick stated that an additional letter had been submitted from Robert Breihof, President, Portland Recycling Refuse Operators, Inc., recommending that the yard debris programs be removed from Metro's proposed budget (a copy of the letter is attached to the agenda of the meeting).

Councilor Van Bergen stated that he would like to have material sent to him regarding the buy-back center and the methane gas recovery project prior to the final reading of the ordinance. Presiding Officer Kirkpatrick suggested that all Councilors should review the material prior to ordinance adoption.

Councilor Hansen noted that there was no commitment being made in the budget for a buy-back center. He said staff was going to investigate whether it was feasible or not and the Council would be making a decision one way or another at a future time.

Councilor Deines commented that if there was no outcry for such a center, and there didn't seem to be, Metro shouldn't spend the dollars studying it. He stated it was a make-work project.

Motion Councilor Hansen moved to amend Ordinance No. 84-172 to include the recommendations of the Budget Review Committee, outlined in the staff report, and the budget note recommended by the Council at their April 26 meeting to make the Criminal Justice Program a priority for the expenditure of additionally identified funds.  
to  
Amend: Councilor Van Bergen seconded the motion.

Vote: The vote on the motion to amend resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: None.

Absent: Councilors Etlinger, Oleson, and Waker.

Motion to amend carried.

Presiding Officer Kirkpatrick noted that a computational error had been made in Exhibit B of the Ordinance and a substitute Exhibit B had been distributed to correct the error (attached to the agenda of the meeting).

Motion Councilor Kafoury moved that Exhibit B of Ordinance No. 82-172 be amended to reflect the correction of the General Fund contingency appropriation from \$84,473 to \$94,473. Councilor Bonner seconded the motion.  
to  
Amend:

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: None.

Absent: Councilors Etlinger, Oleson, and Waker.

Motion to amend carried.

The ordinance was passed to second reading on June 28, 1984.

6.2 Resolution No. 84-469, for the purpose of approving the Fiscal Year 1984-85 Budget and transmitting the approved budget to the Tax Supervising and Conservation Commission.

Motion: Councilor Kafoury moved adoption of Resolution No. 84-469. Councilor Williamson seconded the motion.

Ayes: Councilors Banzer, Bonner, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: None.

Absent: Councilors Etlinger, Oleson, and Waker.

Motion carried, Resolution adopted.

7.1 Resolution No. 84-462, for the purpose of approving the FY 1985 Unified Work Program (UWP) and Resolution No. 84-464, for the purpose of certifying that the Portland Metropolitan area is in compliance with Federal Transportation Planning Requirements.

Motion: Councilor Williamson moved adoption of Resolution No. 84-462. Councilor Kelley seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: None.

Absent: Councilors Etlinger, Oleson, and Waker.

Motion carried, Resolution adopted.

Motion: Councilor Williamson moved adoption of Resolution No. 84-464. Councilor Kafoury seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: None.

Absent: Councilors Etlinger, Oleson, and Waker.

Motion carried, Resolution adopted.

7.2 Ordinance No. 84-171, amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-9. (Corner Terrace) (Second Reading)

Vote: The vote on the motion, made by Councilors Waker and Bonner on April 26, 1984, to adopt Ordinance No. 84-171, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Hansen, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilor Kafoury.

Absent: Councilors Etlinger, Oleson, and Waker.

Motion carried, Ordinance adopted.

8. Committee Reports

Councilor Hansen stated there would be no Services Committee meeting in May.

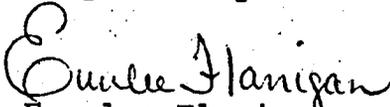
Councilor Bonner noted that the Council Coordinating Committee would be meeting on May 14.

Councilor Williamson stated that the JPACT meeting for May had been cancelled.

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There being no further business, the meeting adjourned at 6:07  
p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council

1239C/313

CONSIDERATION OF RESOLUTION NO. 84-468 FOR THE  
PURPOSE OF AUTHORIZING FEDERAL FUNDS FOR TWO  
16(b)(2) SPECIAL TRANSPORTATION PROJECTS AND  
AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM

---

Date: April 19, 1984

Presented by: Richard Brandman

FACTUAL BACKGROUND AND ANALYSIS

Proposed Action

Recommend Council adoption of the attached Resolution which authorizes Federal 16(b)(2) funds to two private, nonprofit social service agencies: Highland Community Services and Tri-County Independent Living Program. These funds will be used for the purchase of a 10- to 16-passenger vehicle and related equipment to provide special transportation services in Portland metro area to specific client groups not served by Tri-Met. This Transportation Improvement Program (TIP) addition will allow the agency to apply for 16(b)(2) funding from ODOT.

This action is consistent with the adopted Intergovernmental Agreement entered into by Oregon Department of Transportation (ODOT), Tri-Met and Metro, whereby roles, responsibilities and funding for Special Needs transportation are established.

TPAC and JPACT have reviewed these projects and recommend approval of the Resolution.

Background

Section 16(b)(2) authorizes the Urban Mass Transportation Administration (UMTA) to make capital grants to private, nonprofit organizations to provide transportation services for elderly and handicapped persons. Capital investments include purchase of conventional and paratransit vehicles and other equipment associated with providing local and regional (non-intercity) transportation services to the elderly and handicapped. Apportioned 16(b)(2) funds are not available for operating expenses. Transportation Improvement Programs and their Annual Elements must be amended to include new 16(b)(2) projects.

Section 16(b)(2) funding is only available to private, nonprofit organizations in the Metro region and only for use to serve specific client groups that cannot be served effectively by Tri-Met. In applying these criteria, Tri-Met and Metro review all applications and recommend approval or denial accordingly.

Two local providers have submitted an application for capital equipment using 16(b)(2) funds and have been found to meet the criteria of serving specific client groups which cannot better be served by Tri-Met. The applications involve:

<u>Name/Area</u>	<u>Equipment</u>	<u>Federal Applicant \$</u>
Highland Community Services/ Northeast Portland	1 10-16 passenger van	\$16,608/\$4,152
Tri-County Independent Living Program/ Portland Metro Area	1 10-16 passenger van with lift	\$15,280/\$3,820

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the attached Resolution.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On May 7, 1984, the Regional Development Committee unanimously recommended Council adoption of Resolution No. 84-468.

AC/srb  
1109C/373  
04/27/84

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 84-468
FEDERAL FUNDS FOR TWO 16(b)(2)	)	
SPECIAL TRANSPORTATION PROJECTS	)	Introduced by the Joint
AND AMENDING THE TRANSPORTATION	)	Policy Advisory Committee
IMPROVEMENT PROGRAM (TIP)	)	on Transportation

WHEREAS, ODOT, Tri-Met, and the Metropolitan Service District (Metro) have entered into an Intergovernmental Agreement which established roles, responsibilities and funding for Special Needs transportation; and

WHEREAS, This Agreement specifies that 16(b)(2) funding will be made available only to nonprofit organizations serving specific client-groups which cannot better be served by regular Tri-Met service to the elderly and handicapped community; and

WHEREAS, To comply with federal requirements the TIP must be amended to include projects recommended for UMTA 16(b)(2) funds; and

WHEREAS, Highland Community Services and Tri-County Independent Living Program have submitted project applications for funding authorization involving \$16,608 and \$15,280 in Federal 16(b)(2) funds; and

WHEREAS, The project described was reviewed and found consistent with federal requirements and regional policies and objectives; now, therefore,

BE IT RESOLVED,

1. That Federal 16(b)(2) funds be authorized for the purchase of a 10- to 16-passenger Special Transportation vehicle for the following:

- a. Highland Community Services, Inc.,  
a private nonprofit social service  
agency in Northeast Portland \$16,608
- b. Tri-County Independent Living Program,  
a private nonprofit social service  
agency in the Portland metro area \$15,280

2. That the TIP and its Annual Element be amended to reflect this authorization.

3. That the Metro Council finds the project to be in accordance with the region's continuing, cooperative, comprehensive planning process and, thereby, gives affirmative Intergovernmental Project Review approval.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1984.

\_\_\_\_\_  
Presiding Officer

BP/srb  
1109C/373  
04/27/84

CONSIDERATION OF RESOLUTION NO. 84-470 FOR THE  
PURPOSE OF AMENDING THE FY 1984 TRANSPORTATION  
IMPROVEMENT PROGRAM TO INCLUDE A NEW SECTION 9(A)  
TRI-MET PROJECT

Date: April 25, 1984

Presented by: Richard Branaman

FACTUAL BACKGROUND AND ANALYSIS

PROPOSED ACTION

Approve the recommendation to add a new Tri-Met project using  
Urban Mass Transportation Administration Section 9(A) funds:

Acquisition of property on S. E. 17th and Boise  
Street (across from Tri-Met administration)

Federal	\$ 80,000
Tri-Met	20,000
Total	<u>\$100,000</u>

TPAC and JPACT have reviewed this project and recommend  
approval of the Resolution.

BACKGROUND

Tri-Met will be submitting a grant amendment application for  
OR-90-0003 to UMTA which will include a new project as noted above.  
The acquisition of this property (land and building) will eliminate  
the annual lease cost of \$13,110 Tri-Met currently pays to house its  
Buildings and Grounds staff and equipment. The existing facility  
used for this purpose is located a distance of one-half mile from  
Tri-Met administration.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Resolution.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On May 7, 1984, the Regional Development Committee unanimously  
recommended Council adoption of Resolution No. 84-470.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE ) RESOLUTION NO. 84-470  
FY 1984 TRANSPORTATION IMPROVEMENT )  
PROGRAM TO INCLUDE A NEW SECTION ) Introduced by Joint Policy  
9(A) TRI-MET PROJECT ) Advisory Committee on  
 ) Transportation

WHEREAS, Tri-Met will be submitting a grant amendment application to Urban Mass Transportation Administration (UMTA); and

WHEREAS, This amendment application will include a new project requirement for acquisition of property in close proximity to Tri-Met administration; and

WHEREAS, The acquisition of the property will eliminate current annual lease costs of \$13,110; and

WHEREAS, Its purpose is to house Tri-Met's Buildings and Grounds staff now inconveniently located one-half mile away; now, therefore,

BE IT RESOLVED,

1. That the TIP is amended to include a new Section 9(A) project:

Acquisition of property on S. E. 17th and Boise Street (across from Tri-Met administration)

Federal	\$ 80,000
Tri-Met	<u>20,000</u>
Total	\$100,000

2. That the Metro Council finds the project in accordance with the Regional Transportation Plan and gives

affirmative intergovernmental project review approval.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1984.

\_\_\_\_\_  
Presiding Officer

BP/srb  
1145C/373  
04/27/84

CONSIDERATION OF THE APPOINTMENT OF GENERAL  
COUNSEL AND RATIFICATION OF VARIANCE TO THE  
PERSONNEL RULES

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Date: May 11, 1984

Presented by: Rick Gustafson

FACTUAL BACKGROUND AND ANALYSIS

The Executive Officer has appointed Eleanore Baxendale, Assistant City Attorney for the city of Beaverton, to the position of General Counsel, subject to Council confirmation.<sup>1</sup> Section 8(e) of the Metro Personnel Rules requires such confirmation by a majority of the Council prior to the effective date of such appointment.

Process

A Council Legal Committee comprised of Councilors Banzer, Van Bergen, Williamson and the Executive Officer determined that an in-house counsel was needed to provide full service to the organization.

Upon the recommendation of CPA, the pay and classification consultants for Metro, and with the concurrence of the Council Legal Committee, the Executive Officer proceeded to recruit applicants for two positions--Legal Counsel and General Counsel--with the objective of hiring only one person who best suited Metro's needs for in-house counsel. The primary difference in the two positions is one of experience, knowledge and the complexity of issues which can be handled in-house.

Approximately 67 applications were screened and evaluated. The top 11 candidates, consisting of six General Counsel and five Legal Counsel applicants, were initially interviewed over the telephone by the Executive Officer. The interview committee, consisting of Councilors Williamson and Van Bergen, Don Carlson and Rick Gustafson, selected and interviewed the five finalists. Reference checks were completed on three of the finalists and Ms. Eleanore Baxendale was determined to be the best match for Metro's needs.

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<sup>1</sup>A memo addressed to the Council under date of May 4, 1984, sets forth information regarding the appointment, and included a copy of the offer of employment and Ms. Baxendale's application.

Ms. Baxendale has an excellent background in municipal law with five years experience as the Assistant City Attorney for the city of Beaverton. She is familiar with Metro through her work with the city of Beaverton, as well as her three years with the firm of McEwen, Newman, Hanna & Gisvold where she assisted Dean Gisvold in providing legal services to Metro. She has extensive experience in contract administration, trial and appellate court proceedings, land use law and solid waste issues. Ms. Baxendale's knowledge and experience will be very helpful in the upcoming legislative session.

Subject to Council confirmation, Ms. Baxendale has accepted the position at a salary of \$40,000, which is commensurate with her background and experience. This position was budgeted at \$34,166 for FY 1984-85 and an adjustment of \$5,834 to the General Counsel position will be required prior to Council adoption.

The Executive Officer, in his letter of employment to Ms. Baxendale, has committed to conduct an evaluation of the position in six months, with an appropriate merit increase (January 1, 1985), and to allow the accrual of three weeks vacation during her second year of employment. Both of these matters are variances from the Metro Personnel Rules which state:

"Section 32(d)(1):

"(1) Employees hired or promoted at the beginning step of a salary range or between the beginning step and the entry merit rate are eligible to receive a salary increase to the entry merit rate after successful completion of six (6) continuous months of probationary service. When an employee is appointed above the entry merit rate he/she is not eligible for a salary increase for one year, unless the Executive Officer approves an extra meritorious salary increase."

"Section 37:

"The vacation credit and accrual schedules for regular and regular part-time employees are as follows:

<u>Total Years of Continuous Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Equivalent Annual Hours for Full-Time Employment</u>
Date of Hire through completion of 3 yrs.	3.33	80 hours
4 yrs. through completion of 9 years	5.00	120 hours
9 plus years	6.66	160 hours"

Such variances are subject to Council ratification.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends confirmation of the appointment of Ms. Eleanore Baxendale for the position of Metro General Counsel, and ratification of the variances as set forth in Resolution No. \_\_\_\_\_.

SR/gl  
1236C/373  
05/11/84

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 84-472  
APPOINTMENT OF GENERAL COUNSEL AND )  
RATIFYING VARIANCES TO METRO'S ) Introduced by the  
PERSONNEL RULES ) Executive Officer

WHEREAS, The Personnel Rules adopted by the Council require that the Council confirm the appointment of a candidate to the position of General Counsel; and

WHEREAS, The Personnel Rules also require Council ratification of variances to the Personnel Rules approved by the Executive Officer; now, therefore,

BE IT RESOLVED,

1. That the appointment of Eleanore Baxendale to the position of General Counsel is confirmed by a majority of the Metro Council; and
2. That the variances to the Personnel Rules approved by the Executive Officer are hereby ratified.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of May, 1984.

\_\_\_\_\_  
Presiding Officer

SR/gl  
1236C/377  
05/11/84